UNITED NATIONS

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ENGLISH
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LAWS AND REGULATIONS

PROMULGATED TO GIVE EFFECT TO THE PROVISIONS OF THE INTERNATIONAL TREATIES ON NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

In accordance with the relevant articles of the international treaties on narcotic drugs and psychotropic substances, the Secretary-General has the honour to communicate the following legislative texts.

CUBA

Communicated by the Government of Cuba

NOTE BY THE SECRETARIAT

(a) Some editing of texts may be done by the Secretariat in the interest of clarity. In this connection, words in square brackets [ ] have been added or changed by the Secretariat.

(b) Only passages directly relevant to the control of narcotic drugs or psychotropic substances have been reproduced in this document. Non-relevant parts of laws and regulations have been deleted by the Secretariat; such deletions are indicated by [...].

Official Gazette dated 23 March 1990

MINISTERIAL DECREE NO. 72

Provisions regulating the control of psychotropic substances

WHEREAS: Article 99 of Law No. 41 of 13 July 1983, 1/ the Public Health Law empowers the Ministry of Public Health to monitor the import, export, preparation, storage, distribution, circulation, sale and use or application of narcotic drugs and psychotropic substances.

WHEREAS: Psychotropic substances, being pharmaceutical specialities, are regulated by the issue of a single medical prescription and, in view of their stimulant and hypnotic effects on the nervous system, depending on their composition, and the health-threatening drug dependence that they induce, it is necessary to refine the established control measures for such substances.

WHEREAS: It is necessary to adopt regulations for the control of psychotropic substances, similar to those adopted for narcotic drugs, along the lines of the "1971 Convention on Psychotropic Substances", to which Cuba acceded on 26 April 1976.

SO THEREFORE: In application of the powers conferred upon me as Minister for Public Health,

I hereby decree

That provisions for the control of psychotropic substances be put into effect.

1/ Note by the Secretariat: E/NL.1985/91.

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CHAPTER I

GENERAL PROVISIONS

Article 1. These regulations relate to the Schedules in the 1971 Convention on Psychotropic Substances initialled at the United Nations Conference for the Adoption of a Protocol on Psychotropic Substances, held in Vienna from 11 January to 21 February 1971, which are appended hereto and form an integral part of this decree.

Article 2. The Ministry of Public Health and bodies at all levels of the national health system shall cooperate and coordinate action with the Ministry of the Interior for the prevention and control of the illicit use of the substances referred to in the preceding article.

CHAPTER II

IMPORT AND EXPORT

Article 3. The import of substances in Schedule I (hallucinogens) or of any other substance in that Schedule is prohibited, except for the very small quantities intended for scientific use and medical purposes with the express authorization of the Ministry of Public Health.

Article 4. All imports of psychotropic substances must comply with the following requirements:

The substances in Schedules II, III and IV of the Convention on Psychotropic Substances shall require prior authorization for each substance, in the form of an official certificate issued by the Pharmacy Directorate of the Ministry of Public Heath.

Article 5. All imports addressed to a post office box number, a bank or a person different from that indicated on the import authorization shall be prohibited.

The Government of the exporting country shall issue an export certificate and send a copy thereof to the importing country.

Article 6. Important pharmaceutical specialities containing psychotropic substances in Schedules I, II and III intended for private persons shall be seized, confiscated and handed over to the Ministry of Public Health.

Article 7. The export of pharmaceutical specialities containing psychotropic substances in Schedules II, III and IV of the Convention shall require an official certificate issued by the Pharmacy Directorate of the Ministry of Public Health.

Article 8. The carriage by international travellers of small quantities of preparations of any of the psychotropic substances not included in Schedules I and II, in the original or a correctly identifiable pack, for personal use and for treatment purposes during their stay in the country shall be permitted.

If an excessive number of preparations are carried for personal use the relevant authorities shall confiscate them.

CHAPTER III

PREPARATION

Article 9. The pharmacist in charge of the producion laboratory shall enter the controlled raw material received from the distributing warehouse in the official register kept for that purpose, each entry being checked by the Drugs Inspector of the relevant National Health Service section.

Article 10. When using the raw material referred to in the preceding article to prepare pharmaceutical specialities, all laboratories shall request the presence of a Drugs Inspector, who shall verify their use.

Article 11. When the preparation of these pharmaceutical specialities has been completed, the laboratory shall send to the Pharmacy Directorate of the Ministry of Public Health a certificate indicating the quantity of products generated by the preparation process and shall request the presence of a Drugs Inspector to verify the figures and make an entry in the official register. The products must be transferred to the distribution depositories after authorization by the Pharmacy Directorate.

CHAPTER IV

STORAGE AND DISTRIBUTION

Article 12. The National Narcotics and Psychotropic Substances Depository is subordinate to the Pharmacy Directorate of the Ministry of Public Health and shall be responsible for the custody, storage and distribution of raw materials and pharmaceutical specialities containing controlled narcotic drugs and psychotropic substances. The provincial and municipal depositories shall be subordinate to the Pharmacy Departments of the appropriate Sectoral Directorates, with the same functions.

All depositories shall keep a duly authorized register in which all movements of narcotic drugs and psychotropic substances shall be noted.

Article 13. The transfer of controlled psychotropic substances shall require, as an essential, prior authorization by the persons responsible for them.

Article 14. Controlled psychotropic substances shall be kept for distribution at the following centres:

All-day shift pharmacies;

Pharmacies of medical care centres;

Units which need to have psychotropic substances on account of the nature of their work.

CHAPTER V

RECORDS

Article 15. In respect of substances in Schedules II, III and IV, the importing and exporting enterprise and the wholesale distribution enterprises shall keep registers showing the quantity, date, supplier and receiving body of each purchase and delivery.

Article 16. For the substances in Schedule II and the remaining substances under the double prescription regime, the producing enterprises, retail units, the hospitalization and medical care establishments and scientific institutions shall keep registers showing each purchase and delivery and giving particulars as to the date, the supplier, the quantity used, the product in which it is used or the prescribing physician.

Article 17. The registers and models for the control of psychotropic substances shall be prepared by the Pharmacy Directorate of the Ministry of Public Health.

The registers relating to these substances must be kept for at least two years.

CHAPTER VI

RESTRICTIONS ON THE USE OF PSYCHOTROPIC SUBSTANCES

Article 18. The import, export, manufacture and use of the substances in Schedule I, except for those for which the purposes and authorization [arrangements] are set out in article 2 herein, are prohibited.

Article 19. The substances in Schedules II, III and IV may be used only for medical and scientific purposes.

CHAPTER VII

SALE AND CONSUMPTION

Article 20. The psychotropic substances in Schedules III and IV shall be supplied to the public only on the basis of a medical prescription.

Article 21. The substances included in Schedule II [are]:

Amphetamine

Dexamphetamine

Phencyclidine

Fenetylline

Phenmetrazine

Levamphetamine

Levomethamphetamine

Mecloqualone

Methaqualone

Methamphetamine

Methylphenidate

Secobarbital.

Glutethimide and amobarbital in Schedule III and chloral hydrate and any preparation containing any of these substances must be indicated by doctors, complying with the double prescription regime and using the official prescription book for narcotic drugs and psychotropic substances.

Article 22. Prescriptions for substances in Schedule II and those included in the monitoring of the double prescription regime of the official prescription book for narcotic drugs and psychotropic substances shall be valid for 72 hours following the date of issue.

Article 23. If it is necessary to prescribe more than one pack of the substances mentioned above, the prescription must be accompanied by details of the method and the daily dose to be taken.

Article 24. The technical directors of the corresponding units shall be responsible for the control and custody of the substances mentioned in article 21.

Article 25. In the medical care centres, prescriptions for controlled psychotropic substances must be issued using the official prescription book for narcotic drugs and psychotropic substances used in medical care centres and a record of substances entering or leaving the centres must be kept in the official register of narcotic drugs and psychotropic substances.

The stock of such substances or the portion remaining in the custody of the technical officer responsible for providing the service in the absence of the technical director must be checked daily by the latter and handed over against signature to the incoming shift.

CHAPTER VIII

WARNINGS ON PACKS AND IN ADVERTISING

Article 26. The labels and the leaflets or inserts accompanying the packs in which psychotropic substances are offered for sale shall contain instructions for their use and the warnings and indications considered necessary to ensure the safety of the user.

Article 27. Advertising of the psychotropic substances regulated by this decree shall be prohibited.

CHAPTER IX

PSYCHOTROPIC SUBSTANCES CARRIED ON SHIPS AND AIRCRAFT ON INTERNATIONAL ROUTES

Article 28. The regulations of the Pharmacy Directorate of the Ministry of Public Health regarding any necessary quantities of preparations of psychotropic substances in Schedules III and IV, as well as Schedule II, carried on ships and aircraft on international routes, must be complied with. Such preparations shall be under the responsibility and in the custody of the captain of the vessel or aircraft and shall be subject to monitoring by means of the register, as well as to inspections ordered by the Ministry of Public Health.

CHAPTER X

INSPECTIONS

Article 29. Through the Pharmacy Directorate, the Ministry of Public Health shall carry out inspections of the importing and exporting enterprises and other bodies and institutions or establishments that use the substances in question in order to monitor compliance with the provisions of the present decree.

CHAPTER XI

FINAL PROVISIONS

Article 30. Any person who infringes the provisions of the present decree shall incur the liability established under the Penal Code, irrespective of any disciplinary measures in the employment or administrative sector that may be applied.

The Deputy Minister responsible for the Medical and Pharmaceutical Industry shall be responsible for the implementation of the present decree.

The bodies, organs, administrators and officials concerned are notified of this decree and it is published in the Official Gazette of the Republic for general information and for the purpose of its entry into force.

GIVEN in the Ministry of Public Health at Havana on 12 March 1990.

Dr. Julio Teja Pérez
Minister of Public Health